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March 6, 2000

Browdy and Neimark
419 Seventh Street, N W
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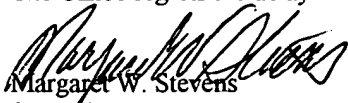
In re applicant: David Wallach
Serial No. 08/485,129
Filing Date : 06/07/95
For : Isolated DNA Encoding Tumor : Response To Request
Necrosis Factor Binding Protein For Refund
II, And Vectors, Hosts And
Processes Using Such DNA

This is in response to your letter submitted October 26, 1999, wherein you requested a refund of \$300.00 in the above identified application.

- () Small entity status fee not refundable. The time has expired for refund of this fee. A refund based on establishment of small entity status may only be obtained if a verified statement under 37 CFR 1.27 and a request for refund of the excess amount are filed within two months of timely payment of the full fee (37 CFR 1.28).
- () Application or petition fee not refundable. Money paid by actual mistake or in excess, such as payment not required by law, will be refunded; a mere change of purpose after payment of money, as when a party desires to withdraw an application, an appeal or a request for oral hearing does not entitle the party to refund (37CFR 1.26). If any application is filed without the specification or drawing and the omission is not corrected with the period set, the application will be returned or otherwise disposed of. The fee, if submitted should include the \$130.00 handling fee (37CFR 1.53).
- (X) Other: No refund is due. The Notice of Appeal and the fee for filing an appeal filed on November 3, 1997 was filed in response to the Final Rejection mailed July 2, 1997. The Notice of Appeal was necessary to maintain pendency in the above-identified application.

Any inquiry regarding this letter should be addressed to Margaret Stevens on 703-305-3608 or FAX number 703-308-7922.

The Office regrets the delay in responding to your letter


Margaret W. Stevens
Supervisory Legal Instrument Examiner
Technology Center 1600/2900